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DEPARTMENT FOR EUR/NB KAYE LEE

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SUBJECT: ESTONIA PREPARES FOR SCHENGEN IMPLEMENTATION

¶1. Summary: GOE officials expect implementation of the Schengen Agreement to be delayed until early 2009, because of a delay in the European Commission's introduction of the second generation Schengen Information System (SIS II). In preparation for accession, the GOE is focused on bringing border control and police cooperation into compliance with Schengen standards. Timing depends in part on the GOE's ability to finish construction of a new terminal in Tallinn Airport by the end of 2008. The GOE has directed more than half of the assistance it has received from the EU Schengen Facility toward upgrading border guard capabilities. End Summary.

Estonia's Preparation and Evaluation

¶2. In May 2006, EU officials began conducting assessments of Estonia's preparedness to meet Schengen requirements in four areas: air borders, visas, police cooperation and personal data protection. (Note: The date for the EU's evaluation of Estonian compliance with SIS has not yet been scheduled. End note.) According to Jaanus Kirikmae, Director General, Consular Department of the MFA, EU assessments have been "positive" and Estonia is in a "good position to implement Schengen." It is expected that for Estonia, all evaluation reports will be completed by this December (with the exception of SIS) when the EU's Justice and Home Affairs Council plans to review the reports for all of the countries wanting to fully implement Schengen.

¶3. Air borders is the only sector where the GOE may have difficulty in meeting its timetable. Estonia needs to build a separate terminal at the Tallinn Airport that will allow for the separation of travel to and from Schengen and non-Schengen countries. MFA and Ministry of Interior Officials could not confirm the specific schedule for construction, but highlighted that the aim is to have the new terminal built by the end of 2008.

¶4. Estonia has received 76 million Euros (USD 95 million) from the EU Schengen Facility for the period 2004-2006. While the GOE has established 86 objectives in preparation for Schengen implementation, its priority is upgrading border guard capabilities and equipment. 46 million Euros (USD 58 million) have been dedicated to this sector. The remainder of the money is being used in a variety of other projects, including establishment of a national SIS and enhanced electronic surveillance.

¶5. Estonia is in the process of renewing or establishing new bilateral agreements with Latvia and Finland, in order to ensure smooth implementation of Schengen. According to Piret Lillevali, an Advisor to the Ministry of Internal Affairs, while there are various bilateral agreements that relate to Schengen implementation the most numerous concern

cross-border police cooperation. In August 2006, Estonian Minister of Interior Kalle Laanet, and his Latvian counterpart Dzintars Jaundzeikars met in Valk, Latvia to sign an agreement on cross-border police cooperation. Estonia and Finland are currently negotiating a similar agreement.

New Schengen Implementation Date for Estonia

¶6. Estonia originally planned to implement Schengen by the fall of 2007. However, now it appears this will not happen until late 2008 or early 2009 due to a delay in the EU's introduction of SIS II. A key aspect of Schengen implementation is full integration into the SIS, which provides personal identity and other data throughout the Schengen area. SIS was created to allow police forces and consular agents from Schengen countries to access data on specific individuals (e.g. criminals and missing persons) and on goods which have been lost or stolen. The European Commission is currently revising technological aspects of the SIS, (to become SIS II) in order to integrate new member states and to allow the database to be accessible to a larger number of institutions and legal authorities within Schengen countries.

¶7. On September 7, 2006 an EU Council working group discussed a new timetable for the completion of the SIS II. According to this timetable, SIS II will not be ready to integrate the information systems of new member states until June 2008. According to officials from both the MFA and the MOI, this could delay Estonia's implementation of Schengen to at least October 2008 or even more likely early ¶2009. Once Estonia has completed the steps necessary to integrate its systems with SIS II, the EU will still have to assess Estonian compliance with Schengen standards.

Anticipated Effects of Schengen on Estonia

¶8. As yet, GOE officials do not appear concerned that adoption of Schengen will result in serious asylum or illegal migration problems in Estonia. According to Ele Russak, an Adviser in the Citizenship and Migration Policy Department of the Interior Ministry, Estonia receives very few asylum applications and the number has not increased since Estonia's accession to the EU in 2004. (Note: Estonia received 15 asylum applications in 2004, 11 in 2005 and 3 to date in 2006. End note.) Russak told us that she does not foresee Schengen per se increasing the numbers, but noted that the GOE is still in the process of reviewing the potential impact of Schengen on asylum applications.

¶9. The Estonian Citizenship and Migration Board (CMB) is working on a system to shorten the average time it takes to process asylum applications and to prevent and reduce the misuse of the asylum system. In 2004 Estonia began exchanging information with the EURODAC Register - the EU's digital system for comparison of fingerprints of asylum seekers and illegal immigrants. The register allows participating countries to ascertain if an alien has already applied for asylum in another EU member state. According to MFA's Jaanus Kirikmae, in cases where asylum seekers have already requested asylum elsewhere within the EU, those asylum seekers would be sent back to where the original application was filed. In 2000, the GOE opened a new Estonian Asylum Seekers Reception Center in Ida-Virumaa County, in the northeast corner of Estonia. The Center has rooms for receiving and interviewing applicants as well as temporary accommodations.

¶10. To address issues related to illegal migration, the CMB established migration bureaus at four regional points in Tallinn, Johvi, Parnu and Tartu in 2004 and set up a database of illegal aliens in Estonia in 2005. The CMB supports voluntary departure of aliens; it only expels them to their country of origin if they fail to leave voluntarily. Those awaiting expulsion are detained at the

Repatriation Center. Since the Center's establishment in 2003, it has accommodated only 53 people, the majority coming from Russia, Azerbaijan, Georgia and Ukraine.

¶11. GOE officials have only begun to consider the impact of Schengen on economic migration. The MOI's Russak told us that the Ministry of Economy recently established a working group to analyze labor migration, with the aim of "possibly simplifying work permits." She noted that preference will be given to EU nationals. Russak also acknowledged that Estonia is facing a growing labor shortage which will also need to be considered during discussions on labor migration.

Estonian Criticism of Delay

¶12. Estonia's preparations for Schengen implementation appear to be progressing well. However given the magnitude of the airport terminal construction initiative and the EU's delay in implementing the SIS II, it is very possible that full implementation of the treaty could slip further. In a meeting September 29 in the Estonian island of Saaremaa, the chairpersons of the European Affairs committees of 8 EU member state national parliaments (Baltics, Poland, Sweden, Germany, Finland and Denmark) expressed support for an Estonian-initiated draft resolution criticizing the European Commission for the delay in the launch of SIS II. The draft resolution will be discussed further at a conference in Helsinki this November.

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